

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**BRIAN MEYERS,**

**Petitioner,**

**v.**

**RAYMOND M. LAWLER,  
SUPERINTENDENT,**

**Respondent.**

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**CIVIL ACTION**

**No. 09 - 0346**

**ORDER**

AND NOW, this 26<sup>th</sup> day of August, 2010, upon consideration of Meyers's Petition for Writ of Habeas Corpus (paper no. 1), the Report and Recommendation of Magistrate Judge L. Felipe Restrepo (paper no. 26), and Meyers's objections thereto (paper no. 28), it is **ORDERED** that:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**.
2. Petitioner's objections to the Report and Recommendation are **OVERRULED**;
3. The petition for writ of habeas corpus is **DISMISSED** as untimely;
4. There is no basis for issuing a Certificate of Appealability.

/s/ Norma L. Shapiro

J.